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La Haye
Division de la
recherche



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ALLEMAGNE

Eingang bei ZPL

22. SEP. 2003

Term.
Bearb. 23. 11. - MH

Datum/Date

23.09.03

Zeichen/Ref./Réf.

120 789

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.

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Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

ALCATEL

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☐ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

☒ abstract

☐ title

☐ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract: 2

REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





European Patent
Office

EUROPEAN SEARCH REPORT

Application Number
EP 03 29 0970

DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
Y	US 2002/126633 A1 (MIZUTANI MIKA ET AL) 12 September 2002 (2002-09-12) * paragraph '0008! * * paragraphs '0030!-'0032! * ----	1-9	H04L12/14 H04L29/06 H04L12/56
Y	WO 01 58084 A (HRL LAB LLC) 9 August 2001 (2001-08-09) * page 2, line 25 - page 3, line 19 * * page 5, line 10 - line 17 * ----	1-9	
A	EP 1 158 740 A (SONY INTERNAT EUROP GMBH) 28 November 2001 (2001-11-28) * paragraph '0005! * * page 8, line 5 - line 10 * * paragraph '0032!; claims 1,2 * -----	1-9	
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
			H04L H04M
The present search report has been drawn up for all claims			
Place of search THE HAGUE		Date of completion of the search 5 September 2003	Examiner Veen, G
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document			
T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons ----- & : member of the same patent family, corresponding document			

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 03 29 0970

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

05-09-2003

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2002126633 A1	12-09-2002	JP 2002281564 A	27-09-2002
WO 0158084 A	09-08-2001	AU 3486001 A	14-08-2001
		EP 1256210 A2	13-11-2002
		WO 0158084 A2	09-08-2001
		US 2001025310 A1	27-09-2001
EP 1158740 A	28-11-2001	EP 1158740 A1	28-11-2001
		CN 1325213 A	05-12-2001
		JP 2002051082 A	15-02-2002
		US 2002010771 A1	24-01-2002



This application is covered by the extended European search report pilot project at present running within the European Patent Office, applied to all European patent applications filed as first filing and searched on or after 01.07.03. Under this project the EPO issues together with the search report an opinion on whether the application and the invention to which it relates meet the requirements of the EPC. This non-binding opinion is issued free of charge as a service. This opinion may be used as the basis for an informed decision as to whether it is desired to pursue the application further or not.

For further details of this pilot project, the applicant's attention is directed to the Official Journal edition 5/2003. If any further immediate questions or comments arise the EPO Customer Services: +31-70-340 4500 or +49-89-2399 2828 can be contacted.

The attached opinion reveals that the application or the invention to which it relates appear not to meet the requirements of the Convention (see comments on enclosed Form 2906).

If the applicant wishes to continue with this application the examination fee must be paid. Where appropriate amendments can be filed to address the objections raised in the opinion, thus shortening the overall procedure. If no amendments are filed, the opinion will be re-issued as the first official communication under Article 96(2) and Rule 51(2) EPC.

If the examination fee has already been paid and the right to the communication under Article 96(1) EPC has been waived for this application, the first official communication under Article 96(2) and Rule 51(2) EPC will be issued promptly.



The examination is being carried out on the **following application documents**:

Text for the Contracting States:

AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LU MC NL PT RO SE SI SK TR LI

Description, pages:

1-13 as originally filed

Claims, No.:

1-9 as originally filed

Drawings, sheets:

1/6-6/6 as originally filed

The following documents are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US 2002/126633 A1 (MIZUTANI MIKA ET AL) 12 September 2002 (2002-09-12)

D2: WO 01 58084 A (HRL LAB LLC) 9 August 2001 (2001-08-09)

D3: EP 1 158 740 A (SONY INTERNATIONAL (EUROPE) GMBH) 28 November 2001 (2001-09-28)

- 1 Though claims 1, 5-7 and 9 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought,



and places an undue burden on others seeking to establish the extent of the protection. Hence said claims do not meet the requirements of Article 84 EPC. In order to overcome this objection, it would appear appropriate to file an amended set of claims defining the relevant subject-matter in terms of a minimum number of independent claims in each category followed by dependent claims covering features which are merely optional (Rules 29(3) and (4) EPC).

2. The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of the claims does not involve an inventive step in the sense of Article 56 EPC.
- 2.1. The subject matter of independent claim 1 lacks an inventive step (Article 56 EPC), having regard to D1, when combined with D2.

Using the wording of claim 1 of the present application and taking references from D1, D1 discloses:

"A method for controlling establishing a network connection between a client and a network (par.8) comprising the phases of authentication, authorizing, and accounting (par.31), ~~characterized by comprising a further interim negotiation phase of negotiating a connection or business mode of authorization and accounting~~"

The subject matter of claim 1 of the present application differs from the subject matter of D1 in that a negotiation phase is introduced into the process of connection establishment, during which a connection or business mode of authorization and accounting is negotiated.

The objective problem solved by the present invention may therefore be regarded as: "How to support dynamic AAA scenarios, as opposed to merely accepting or rejecting a connection request."

D2 discloses a method and apparatus for pricing-based quality of service delivery of data packets (page 2 lines 25). The network resources are monitored and configured to provide a plurality of predictable and dynamically variable QoS



levels, each associated with a price (p.3l.11-13), and the users are enabled to dynamically select a QoS level depending on their needs and ability to pay the price (p.3l.18-19).

As both documents are in the same technical field (establishing a connection over a communication network) the person skilled in the art, faced with the above stated problem, and the prior art as represented by D1 and D2, would apply the invention of D2 to the system of D1 to arrive at the claimed subject-matter. Thus claim 1 does not involve an inventive step and is therefore obvious.

- 2.2 The remaining independent claims, 5-7 and 9, disclose a system, a client, a trading device and a computer software product, respectively, which all implement the method defined in claim 1. The same reasoning applies, and therefore these claims do not involve an inventive step either (Art. 56 EPC).
 - 2.3 The features defined in dependent claims 2-4 and 8 are either features well known in the art - cf. D1-D3 - or design measures which one would regard as expected from the skilled person. For example, "involving a user in the negotiation" is implied in D2, p.3l.17-19 and "policies" are implied in D1 par. 31. These claims are therefore also not inventive in the sense of Article 56 EPC.
 - 3 It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, a new set of claims should be filed taking account of Rule 29(1) EPC. The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claims with respect to the state of the art and the significance thereof.
- To meet the requirements of Rule 29(1) EPC the claims should be properly cast in the two-part form, with those features which in combination are part of the prior art (see D1-D3) being placed in the preamble.
- 4 In order to expedite the procedure, the applicant is requested to identify those parts of the application as originally filed, which are considered to provide support for any amendments made (Article 123(2) EPC).



Bescheid/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

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Anmelde-Nr.:
Application No.: 03 290 970.7
Demande n°:

- 5 When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).
- 6 Further, to meet the requirements of Rule 27(1)(b) EPC, D1-D3 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.